



November 16, 1995

James Cogentino, OSC
Removal Action Branch
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region II
2890 Woodbridge Avenue
Edison, NJ 08837

NOV 20 1995

Re: S&W Waste, Inc.'s Response to
CERCLA § 104(e) Request For The
Bayonne Barrel & Drum Superfund
Site, 150-154 Raymond Boulevard,
Newark, Essex County, New Jersey

Dear Sir:

S&W Waste, Inc. ("S&W") responds to the USEPA's September 28, 1995, CERCLA § 104(e) Information Request for the Bayonne Barrel & Drum Superfund Site as follows:

Definitions

1. As used herein, the terms "Bayonne Barrel & Drum" or the "Site" shall refer to approximately fifteen acres of property located at 150-154 Raymond Boulevard in Newark, Essex County, New Jersey and identified as Lots 3 and 14 of Block 5002.
2. As used herein, the term "hazardous substance" shall have the meaning set forth in section 101(14) of CERCLA, 42 U.S.C. § 9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which, in turn, comprise a portion of the substances that

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fall within the definition of "hazardous substance" under Section 101(14) of CERCLA) are set forth at 40 CFR Part 302.

3. As used herein, the terms "hazardous waste," "disposal" and "storage" shall have the meanings set forth in Sections 1004(5), (3) and (33) of RCRA, 42 U.S.C. § 6903(5), (3) and (33), respectively.
4. As used herein, the term "industrial waste" shall mean any solid, liquid or sludge or any mixtures thereof which possess any of the following characteristics:
 - a. it contains one or more "hazardous substances" (at any concentration) as defined in 42 U.S.C. § 9601(14);
 - b. it is a "hazardous waste" as defined in 42 U.S.C. § 6903(5);
 - c. it has a pH less than 2.0 or greater than 12.5;
 - d. it reacts violently when mixed with water;
 - e. it generates toxic gases when mixed with water;
 - f. it easily ignites or explodes;
 - g. it is an industrial waste product;
 - h. it is radioactive;
 - i. it is an industrial treatment plant sludge or supernatant;
 - j. it is an industrial byproduct having some market value;
 - k. it is coolant water or blowdown waste from a coolant system;
 - l. it is a spent product which could be reused after rehabilitation; or
 - m. it is any material which you have reason to believe would be toxic if either ingested, inhaled or placed in contact with your skin.

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5. As used herein, the term "release" and "person" shall have the meaning set forth in Section 101(22), and (21) of CERCLA, 42 U.S.C. § 9601(14), and (21), respectively.
6. As used herein, the terms "the Company" and "your Company" refer not only to the addressee as it is currently named and constituted, but also to all of its predecessors- or successors-in-interest and the subsidiaries, divisions, affiliates, and branches of the addressee and their predecessors- or successors-in-interest.
7. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions apply.

Request for Information

1. General Information About the Company

- a. State the correct legal name of the Company.

Response: S&W Waste, Inc.

- b. Identify the legal status of the Company (corporation, partnership, sole proprietorship, specify if other) and the state in which the Company was organized.

Response: Subchapter S Corporation (New Jersey)

- c. State the name(s) and address(es) of the President and the Chairperson of the Board of the Company.

Response: William F. Moscatello
S & W Waste, Inc.
115 Jacobus Avenue
South Kearny, N.J. 07032

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- d. If the Company has subsidiaries or affiliates, or is a subsidiary of another organization, identify these related companies and state the name(s) and address(es) of the President(s) and the Chairperson(s) of the Board of those organizations. Provide such information for any further parent/subsidiary relationship.

Response: Not applicable

- e. If the Company is a successor to, or has been succeeded by, another company, identify such other company and provide the same information requested above for the predecessor or successor company.

Response: Not applicable

- f. If the Company transacted business with Bayonne Barrel & Drum in the name of an entity not disclosed above, give the name of such entity and state its relationship to the Company.

Response: Not applicable.

2. Company's Relationship to Bayonne Barrel & Drum

- a. State whether the Company or any Company facility transacted any business with Bayonne Barrel & Drum for the disposal, treatment, or storage of any barrels, drums, or other containers (hereinafter collectively referred to as "Containers").

Response: S&W sold and transported empty drums to Bayonne Barrel & Drum from its former facility located at 53 Pennsylvania Avenue, South Kearny, New Jersey. Some of the empty drums sold by S&W to Bayonne Barrel & Drum were transported by Bayonne Barrel & Drum personnel.

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S&W also removed containers containing sludge from Bayonne Barrel & Drum and delivered empty containers to Bayonne Barrel & Drum for sludge collection.

- i. If so, describe the relationship (nature of services rendered or products sold to the Company) between the Company and Bayonne Barrel & Drum;

Response: See response to 2(a) above.

- ii. Provide copies of any contracts or agreements between the Company and Bayonne Barrel & Drum;

Response: None.

- iii. For each such facility, state the nature of the operations conducted at the facility, including the time period in which the facility operated; and

Response: S&W's former facility, located at 53 Pennsylvania Avenue South Kearny, N.J., was a hazardous waste transfer, storage and treatment facility. This facility was in operation from 1972 until 1984.

- iv. For each such facility, state its name, address, and current RCRA Identification Number.

Response: See response to 2(a)(iii) above.
EPA ID No. NJD 096865837

- b. In addition, if the Company transacted business with Bayonne Barrel & Drum, provide the following information for each transaction:

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- i. Identify the specific dates of each transaction. Where an exact date cannot be provided for a transaction, provide an approximation by month and year;

Response: See documents attached as Exhibit A. The documents indicate that S&W transacted business with Bayonne Barrel & Drum from approximately January 1980 until December 1982.

- ii. Identify the number of Containers that were the subject of each such transaction;

Response: S & W occasionally removed a container of sludge from Bayonne Barrel & Drum. After that container was emptied at an off-site location, it was returned to Bayonne Barrel & Drum by S&W.

S & W sold and delivered an unknown quantity of empty drums to Bayonne Barrel & Drum.

- iii. Generically describe each Container that was the subject of each such transaction (example; closed-head steel drums, etc.);

Response: The sludge container was steel. Most of the empty drums were steel; some of the empty drums were plastic.

- iv. Identify the intended purpose of each such transaction;

Response: S&W sold empty drums to Bayonne Barrel & Drum. Bayonne Barrel & Drum reconditioned the drums for resale, reuse. S&W delivered empty containers to Bayonne Barrel & Drum which were used to collect waste from the drum reconditioning process.

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v. State whether each Container that was the subject of the transaction contained any substance at the time of the transaction. As to each Container that contained any substance:

- (1) Identify each such substance, including its chemical content, physical state, quantity by volume and weight, and other characteristics; and

Response: The containers removed from Bayonne Barrel & Drum by S&W contained sludge from the drum reconditioning process. Drums sold and delivered to Bayonne Barrel & Drum by S&W were empty in accordance with USEPA and NJDEP regulations.

- (2) Provide all written analyses that may have been made for each such substance or which may be in the custody or control of the Company and all material safety data sheets, if any, relating to each such substance;

Response: None

vi. If you contend that any such Container did not contain any substance at the time of the transaction:

- (1) State whether such Container had previously been used by the Company to contain any substance, and if so:

Response: Yes

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- (a) Identify all substances previously contained within such Container, including its chemical content, physical state, and other characteristics; and

Response: The empty drums sold to Bayonne Barrel & Drum previously contained paint, ink, dyes, adhesives, solvents and other non-hazardous materials in liquid, solid, and semi-solid form.

- (b) Provide as to such substances, all written analyses that may have been made for each such substance or which may be in the custody or control of the Company and all material safety data sheets, if any, relating to each such substance;

Response: S&W has written analyses of the contents of certain drums delivered to S&W's former facility. S&W has no knowledge whether such analyses correspond or relate to the empty drums sold and delivered to Bayonne Barrel & Drum.

- vii. Describe in detail any treatment of any Container that may have been performed by or on behalf of the Company prior to the time that the Container was transferred from the Company, including any process or procedure by which the Container was emptied or cleaned;

Response: Each empty container and barrel delivered to Bayonne Barrel & Drum was emptied by S&W by pouring, dumping, and/or pumping its contents into other containers at S&W's former facility in accordance with USEPA/NJDEP regulations. The empty containers and drums were also manually scraped and inspected prior to delivery to Bayonne Barrel & Drum.

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- viii. Provide copies of all documents relating in any way to each transaction, including copies of delivery receipts, invoices, or payment devices;

Response: See document attached as Exhibit A.

- ix. Identify all persons who might have knowledge of the transaction or who had any responsibility regarding the transaction; and

Response: William F. Moscatello
Robert Fixter

- x. If you sent any Container by means of any third party transporter, identify each such transporter, including the name and address of such transporter, and identify in which of the transactions such transporter acted.

Response: Bayonne Barrel & Drum personnel transported some of the empty drums sold by S&W to Bayonne Barrel & Drum.

3. Identify any person (e.g., individual, company, partnership, etc.) having knowledge of facts relating to the questions which are the subject of this inquiry. For each such person that you identify, provide the name, address, and telephone number of that person, and the basis of your belief that he or she has such knowledge. For past and present employees, include their job title and a description of their responsibilities.

Response: William F. Moscatello
President
S&W Waste, Inc.
115 Jacobus Avenue
South Kearny, N.J. 07032

Mr. Moscatello is responsible for day-to-day management of the company
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Robert Fixter
Vice President, Compliance
S&W Waste, Inc.
115 Jacobus Avenue
South Kearny, N.J. 07032

Mr. Fixter is responsible for environmental compliance.

4. Identify each person consulted in responding to these questions and correlate each person to the question on which he or she was consulted.

Response: William F. Moscatello was consulted on question 2.
Daniel DiAngelis was consulted on question 5.

5. Provide a list of all insurance policies and indemnification agreements held or entered into by you that may indemnify you against any liability that you may be found to have under CERCLA. Specify the insurer, type of policy, effective dates, and state per occurrence policy limits for each policy. Copies of policies may be provided in lieu of a narrative response. In response to this request, please provide not only those policies and agreements that are currently in effect, but also those in effect since your company began sending Containers to the Site.

Response: See list attached as Exhibit B.

6. State whether there exists any agreement or contract (other than an insurance policy) which may indemnify the Company, present or past directors, officers or owners of shares in the Company, for any liability that may result under CERCLA. provide a copy of any such agreement or contract. Identify any agreement or contract that you are unable to locate or obtain.

Response: None to S&W's knowledge.

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7. Supply any additional information or documents that may be relevant or useful to identify other sources who disposed of or transported Containers to the Site.

Response: None.

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CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of New Jersey
County of Morris

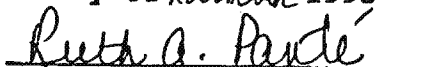
I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Robert Finter
NAME (print or type)

V.P. of Compliance
TITLE (print or type)


SIGNATURE

Sworn to me before this 16th
day of November 1995


Notary Public

RUTH A. PANTE
A Notary Public of New Jersey
My Commission Expires February 22, 1996